

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRICK P. HOUSTON,

Plaintiff

Case No. 2:21-cv-01337-JAD-NJK

ORDER

v.

DOWNEY, et al.,

Defendants

This action is a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a former state prisoner. The Court previously granted Plaintiff's application to proceed in district court without prepaying fees or costs following his release from prison. Docket No. 11 at 13.

On November 28, 2022, the Court entered a screening order. Docket No. 11. The screening order imposed a 90-day stay and the Court entered a subsequent order assigning the case to mediation by a court-appointed mediator. Docket Nos. 11, 14. The parties did not reach a settlement at mediation. Docket No. 16. This case will now proceed onto the normal litigation track.

For the foregoing reasons, it is **ORDERED** that:

1. The Clerk of the Court will electronically **SERVE** a copy of this order and a copy of Plaintiff's complaint, Docket No. 12, on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Service must be perfected no later than July 5, 2023, pursuant to Fed. R. Civ. P. 4(m).

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1 3. Subject to the findings of the screening order, Docket No. 11, no later than **April**
2 **26, 2023**, the Attorney General's Office will file a notice advising the Court and Plaintiff of: (a)
3 the names of the defendants for whom it accepts service; (b) the names of the defendants for whom
4 it does not accept service, and (c) the names of the defendants for whom it is filing the last-known-
5 address information under seal. As to any of the named defendants for whom the Attorney
6 General's Office cannot accept service, the Office will file, *under seal*, but will not serve the
7 inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such information.
8 If the last known address of the defendant(s) is a post office box, the Attorney General's Office
9 will attempt to obtain and provide the last known physical address(es).

10 4. If service cannot be accepted for any of the named defendant(s), Plaintiff will file
11 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
12 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General
13 has not provided last-known-address information, Plaintiff will provide the full name and address
14 for the defendant(s).

15 5. If the Attorney General accepts service of process for any named defendant(s), such
16 defendant(s) will file and serve an answer or other response to the complaint no later than **June 5,**
17 **2023.**


18 6. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by
19 counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
20 consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-
21 filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-
22 1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall
23 include with the original document submitted for filing a certificate stating the date that a true and
24 correct copy of the document was mailed to the defendants or counsel for the defendants. If
25 counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney
26 named in the notice of appearance, at the physical or electronic address stated therein. The Court
27 may disregard any document received by a district judge or magistrate judge which has not been
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1 filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk
2 which fails to include a certificate showing proper service when required.

3 7. This case is no longer stayed.

4 IT IS SO ORDERED.

5 DATED: April 5, 2023.

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8 NANCY J. KOPPE
9 UNITED STATES MAGISTRATE JUDGE
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